

**MINUTES OF THE COURT OF APPEAL
STATE OF CALIFORNIA
SECOND APPELLATE DISTRICT**

June 28, 2000

DIVISION THREE

Court convened at 9:00 A.M.

Present: Klein, P.J., Croskey, J., Kitching, J., Aldrich, J. and Valorie Gray, Deputy Clerk.

Each of the following:

B133039 People v. Galindo
B134827 People v. Lerma
B133545 People v. Barrera
B127747 People v. Taylor
B133305 People v. Basurto
B130467 People v. Delgado
B131307 People v. Avendano
B133759 People v. Ramsey
B131526 People v. Robinson
B132837 People v. Oliver
B133409 People v. Hanna
B132166 People v. Carnes
B131204 People v. Carrera
B136564 People v. Mitchell
B134791 People v. Dwaine
B135737 People v. Anderson
B136011 People v. Juan A.

Argument waived, cause submitted.

B124291 People
 v.
 Spitzer et al.

Merits:

Argued by Janyce Blair and David H. Goodwin for appellants and by Gary A. Lieberman, deputy attorney general, for respondent. Cause submitted.

DIVISION THREE (Continued)

B132455 Gonzales
 v.
 K.V. Mart Company

Merits:
Argued by John C. Torjesen for appellant and by Bruce J. McHale for respondent. Cause submitted.

B136488 CPF Advisory Corporation et al.
 v.
 California Properties Fund et al.

Merits:
Argued by Thomas J. Weiss for appellants and by Thomas P. Hanrahan for respondents. Cause submitted.

B133605 Budak
 v.
 Sivak

Merits:
Argued by P. Jolene Buck for appellant and by Glen Robert Bregman for respondent. Cause submitted.

B129432 Steen
 v.
 Sartor

Merits:
Argued by Arthur Grebow for appellants and by Richard Paul Gerber for respondent. Cause submitted.

DIVISION THREE (Continued)

B121299 People
 v.
 Sanchez et al.

Merits:
Argued by Carlton Lacy and Dale M. Rubin for appellants and by Ana R. Duarte, deputy attorney general, for respondent. Cause submitted.

B132500 Coast Plaza Doctors Hospital
 v.
 Blue Cross of California

Merits:
Argued by Cheryl Orr for appellant and by Paul A. Bokota for respondent. Cause submitted.

Court recessed at 11:55 A.M.

Court reconvened at 2:00 P.M.

Present: Klein, P.J., Croskey, J., Kitching, J., Aldrich, J. and Valorie Gray, Deputy Clerk.

B133806 Kim
 v.
 L.A. County Metropolitan Transportation Authority et al.

Merits:
Argued by Edwin D. Hausmann for appellant and by Kurt Drain and Guy J. Gorlick for respondents. Cause submitted.

B134190 Boston
 v.
 24 Hour Fitness, Inc.

Merits:
Argued by Martin A. Fine for appellant and by Kristie M. Kanakam for respondent. Cause submitted.

DIVISION THREE (Continued)

B129190 Conservatorship of Ida Newman
 v.
 Newman

Merits:

Argued by John T. Rogers, Jr. for appellant and by Terence S. Nunan and Bruce Fuller for respondent. Cause submitted.

B130398 Deep Sea Research, Inc.
 v.
 Knight

Merits:

Argued by Larry D. Henson for appellants and by Fletcher Carlton Alford for respondent. Cause submitted.

B130242 Desousa
 v.
 Selzer

Merits:

Argued by Edward J. Horowitz for appellant and by Richard Newman for respondents. Supplemental letter brief of appellant due by July 17, 2000. Response of respondent due by July 31, 2000. Submission deferred.

B132648 Crivello
 v.
 Gryphon Insurance Group

Merits:

Argued by W. Michael Hartman for appellant and by Dale Goldfarb for respondent. Cause submitted.

DIVISION THREE (Continued)

B139370 Farmers Insurance Exchange et al.
v.
S.C.L.A.
Butler

Merits:

Argued by Robert Olson for petitioners and by E. Todd Trumper for real parties in interest. Cause submitted.

Court adjourned at 5:00 P.M.

DIVISION FOUR

B132400 People (Not for Publication)
v.
Serrano

The judgment is affirmed.

Hastings, J.

We concur: Epstein, Acting P.J.
Curry, J.

B132564 People (Not for Publication)
v.
Arredondo

The findings that defendant suffered prior convictions in cases A325322 and A327633 and the two 5-year enhancements imposed as a result thereof are reversed to permit retrial on those allegations. The \$140 penalty assessment is stricken from the judgment. In all other respects, the judgment is affirmed.

Vogel (C.S.), P.J.

We concur: Hastings, J.
Curry, J.

DIVISION FOUR (Continued)

[illegible]

The judgment is reversed and the matter is remanded to the trial court for the purpose of entering judgment in keeping with the views expressed in this opinion. Appellant shall recover costs on appeal.

Vogel (C.S.), P.J.

We concur: Hastings, J.
Curry, J.

B138779 Marylander (Certified for Publication)
v.
Superior Court, Los Angeles County
(Office of Statewide Health Planning and Development)

The order to show cause, having served its purpose, is discharged. Let a peremptory writ issue directing the trial court to vacate its order denying petitioner's motion to compel production of records and to conduct further proceedings consistent with this opinion. Costs are awarded to petitioner.

Vogel (C.S.), P.J.

We concur: Epstein, J.
Hastings, J.

B133888 Cerritos Valley Bank (Certified for Publication)
v.
Stirling

The judgment is affirmed. Respondent(s) to recover costs.

Vogel (C.S.), P.J.

We concur: Hastings, J.
Curry, J.

DIVISION FOUR (Continued)

B123194 Fries (Certified for Publication)
v.
Soboroff et al.

The judgment is affirmed. Respondent(s) to recover costs.

Vogel (C.S.), P.J.

We concur: Hastings, J.
Curry, J.

B135327 Gularte
v.
Fremont Life Insurance Co., et al.

Filed order denying petition for rehearing.

DIVISION SIX

B131839 Sarabia (Not for Publication)
v.
First American Title Insurance Company

The judgment is affirmed. Costs to respondent.

Perren, J.

We concur: Gilbert, P.J.
Yegan, J.

DIVISION SEVEN

[illegible]

The order of sentencing is vacated and the cause remanded for further proceedings in accordance with the views stated herein. In all other respects, the judgment is affirmed.

Johnson, J.

We concur: Lillie, P.J.
Woods, J.

B134090 Doctor's Medical Laboratory, Inc. (Not for Publication)
v.
Kathleen Connell, As Controller of the State of California

The judgment is affirmed insofar as it orders a peremptory writ of mandate be issued requiring the defendant, Controller of the State of California, to forthwith pay to Doctor's Medical Laboratory, Inc., plaintiff, all amounts previously approved for payment by the Department of Health Services' fiscal intermediary, EDS, together with interest thereon and costs of suit. The judgment is reversed insofar as it denies attorney fees to Doctor's and the cause is remanded to the trial court with directions to award attorney fees to Doctor's pursuant to 42 United States Code section 1988 in a reasonable amount to be determined by the trial court. Doctor's is to recover its costs on appeal.

Johnson, J.

We concur: Lillie, P.J.
Woods, J.

B129681 Safieslamy
v.
Department of Toxic Substances Control et al.

Filed order modifying opinion. Petitions for rehearing are denied. (No change in the judgment)